


## **EXHIBIT 2**



## Beaumont ISD Police Department Policies



**Beaumont ISD**  
Preparing Our Next Generation

	<b>BEAUMONT ISD POLICE DEPARTMENT</b>	
	<b>Policy 1.1 Mission, Values, and Written Directive System</b>	
	<b>Effective Date</b> January 2, 2018	<b>Replaces: all other</b>
	<b>Approved by</b> Chief of Police Joseph Malbrough	
	<b>Reference: TBP 1.04</b>	

## I. POLICY

Law enforcement agencies provide essential services to foster safe communities through crime reduction and deterrence. Administrators of these law enforcement agencies are obligated to train, supervise, and guide personnel in performing the variety of tasks which create safe communities. At the same time, these administrators seek to improve employees' confidence and competence in performing tasks while reducing vulnerability to liability. To meet these obligations, agencies must manage themselves according to written directives. A manual of policies and procedures guides the day-to-day legal and ethical functioning of a law enforcement agency. To that end, this manual furnishes a blueprint for the performance of this agency's activities in accordance with established state and national standards. Providing all members of the department with an understanding of the department's mission and values provides guidance for decision making when situations are not covered by direct policy or procedure.

## II. PURPOSE

This document outlines the organization of the Department, its Policy and Procedure Manual, its authority, and defines three kinds of statements that appear in these documents: policy, rule, and procedure. It also states the department's mission and core values.

## III. AGENCY MISSION AND VALUES

### A. Mission:

The mission of the Beaumont ISD Police Department is to effectively and efficiently provide for the protection of lives and property, preserve the public peace, and provide needed community services with the highest level of professionalism and ethical standards.

### B. Core Values



Integrity: The Beaumont ISD Police Department is built upon a foundation of ethical and professional conduct. We are committed to the highest level of moral principles and ethics. All members of the department will adhere to the Law Enforcement Code of Ethics which is a part of this manual.

Honesty: We will be truthful and trustworthy at all times.

Fairness: We are committed to equal application of the law to offenders and members of the public as well as the equal application of rules and regulations to all members of the department.

Courage: We are dedicated to meeting all challenges with the courage needed to accomplish our mission.

Compassion: We understand our role as community caretakers, and temper our application of the law with compassion and empathy.

#### **IV. DEFINITIONS**

##### **A. Policy**

1. A policy is a statement of the department's philosophy on a given issue. Policy consists of principles and values which guide the performance of department employees. Further, policy is based upon ethics, experience, the law, and the needs of the community.
2. Each section of the Manual will begin with an agency policy statement.
3. Only the Chief of Police determines policy.

##### **B. Rule**

1. A rule is a specific prohibition or requirement governing the behavior of employees.
2. Rules permit little, if any, deviation. Violations of rules normally result in discipline.
3. Rules appear in the Policy and Procedure Manual as well as other departmental documents.

##### **C. Procedure**

1. A procedure defines the acceptable method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.



2. Unlike rules, a failure to follow a procedure may result in discipline. Procedures constitute the agency-approved guide to performing tasks. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Employees must be prepared to justify their actions in not following the defined procedure.

**D. Memorandum**

1. A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.
2. Memoranda are not part of this manual. Memoranda may be issued by the Chief of Police or by other personnel or agencies. However, memoranda may be incorporated into future editions of this manual. Employees are advised that they may not alter components of this manual based on memoranda unless the memo was issued by the Chief of Police or designee.

**V. WRITTEN DIRECTIVES (TBP 1.04)**

**A. Departmental Policy Manual and Standard Operating Procedures.**

1. The Policy Manual contains policy, rules, and procedures as defined above, and is a written directive governing organizational matters.
2. A Standard Operating Procedure (SOP) primarily contains procedures and is a written directive governing operational matters and routine daily tasks such as how to respond to alarms, how to book a prisoner, etc.
  - a. Because they contain many procedural statements, SOPs permit some discretion. While SOPs are the preferred method of accomplishing a task, the agency recognizes that an employee may depart from procedures if unusual circumstances warrant, and supervisors approve. Employees must justify their actions and document any departure from Standard Operating Procedure.
  - b. While created by various offices within the department, the Chief of Police approves Standard Operating Procedures.


**B. No policy, rule, regulation, procedure or memorandum is valid unless signed by the Chief of Police.**

- C. Within the context of any directive, the use of the word "shall" or "will" denotes an action or behavior that is mandatory and unequivocal. The words "may," "can," or "should" denote an action or behavior that is discretionary.
- D. Any member of the department may suggest or recommend changes to the Chief of Police concerning the Policy Manual or Standard Operating Procedure by forwarding the suggestion through their chain of command.
- E. The Chief of Police or his or her designee will completely review the Policy Manual and Standard Operating Procedures at least biennially to ensure continued compliance with Texas law and operations. Revisions may be made at any time. Once a revision is approved and published, each employee shall be deemed to be on notice with regards to the current version.

## **VI. COMPLIANCE WITH DIRECTIVES**

- A. All employees of this Department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material.
- B. All employees are responsible for the receipt of and adherence to all written directives that affect the employee and the employee's work status.
- C. All employees are responsible for receipt and maintenance of all directives that are distributed to that employee. Each employee of the Department shall sign a statement acknowledging that the member has received, read, understands and agrees to abide by the directive supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of an order or directive, or believes that an order or directive illegal or in conflict with other orders or directives, he or she should immediately notify a supervisor who shall provide instruction or training as necessary.
- D. Copies of the statements of receipt (See C above) shall be maintained in the written directive file.
- E. All employees shall comply with the provisions of these directives.
- F. The Policy Manual and Standard Operating Procedures apply to all sworn officers and non-sworn employees of the Police Department both on and off duty.



	<b>BEAUMONT ISD POLICE DEPARTMENT</b>	
	<b>Policy 1.2 Jurisdiction, Organization and Authority</b>	
	<b>Effective Date:</b> <b>January 2, 2018</b>	<b>Replaces: all other</b>
	<b>Approved by</b> <b>Chief of Police Joseph Malbrough</b>	
<b>Reference: TBP 1.01, 1.05, 1.06, 1.07, 2.03, 3.07, 6.05, and 8.10.</b>		

## **I. POLICY**

The department is established by state law and local ordinance, and consists of a Chief of Police and other full and part-time officers and non-sworn employees as determined by the School Board. The chief executive of the police department is the Chief of Police, appointed by and subordinate to the Superintendent. The Chief, in turn, appoints police officers who are charged with enforcing the laws of the State of Texas and all local ordinances. The jurisdiction of the police department is limited to the school district, except in cases of pursuit of offenders who have committed a violation within the city limits and then flee outside the district, or when another department requests assistance, or when enforcing laws on property owned by the school district, but outside its boundaries. The organization of the police department shall support the effective and efficient accomplishment of departmental responsibilities and functions according to community-oriented policing principles.

## **II. PURPOSE**

The purpose of this order is to describe the jurisdiction and organization of the police department, outline its rank structure, and assign responsibilities, functions, and duties.

## **III. AUTHORITY AND AGENCY JURISDICTION**

The jurisdiction of the Beaumont ISD Police Department is limited to inside the school district limits with certain exceptions. (TBP: 1.05, 1.06)

Beaumont Independent School District Police Officers shall have the authority granted to Peace Officers under Section 37.001 of the Texas Education Code, and Article 2.13 of the Texas Code of Criminal Procedure. Officers shall make lawful arrests as provided by Article 14, Texas Code of Criminal Procedure, conduct lawful searches, issue citations as provided by Article 14.06, Texas Code of Criminal Procedure, and perform such other tasks and duties as provided by law, the Department's General Orders, and other authority.

Beaumont Independent School District Police Officers shall have jurisdiction within the geographical boundaries of the school as it relates to the scope of duties as defined in this policy. BISD Police jurisdiction shall also include all property both real and personal,



outside the boundaries of the school district that is owned, leased, rented, or otherwise under the control of the District.

- A. Officers have arrest authority anywhere within the State of Texas, however the exercise of that authority will be limited when outside the district to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the officer is able to safely intervene. When off-duty or out of our primary jurisdiction, officers seldom have appropriate equipment, communications, or assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information.
- B. Officers have authority to enforce the law on property owned by the School District and outside the district.
- C. Officers have authority to pursue offenders outside the District who have committed violations inside the District pursuant to the department's pursuit policy. Officers may also utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants and making lawful arrests without warrants anywhere in the State of Texas when investigating crimes occurring inside the city.
- D. Officers have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.
- E. While officers have full authority to make arrests, issue summonses, and use force in enforcing the law, officers are also expected to use discretion and common sense in the application of this authority. Officers should always seek the least intrusive level of intervention appropriate to preserve the peace and protect the public safety.
- F. An official map of the district will be maintained in the patrol briefing room.

#### **IV. ORGANIZATIONAL STRUCTURE**

##### **A. Organizational structure**

1. The School District authorizes the creation of a police department to be headed by a Chief of Police. The Chief of Police is responsible for the direction of all activities of the department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders take the form of general orders, standard operating procedures, and other directives as needed.
2. The department consists of a Police Chief, a Lieutenant, and two Operations Sergeants, and as many police officers and investigators as the district determines are required to protect and serve the community and otherwise support or carry out the department's objectives.

B. Chain of Command and Succession

1. The Police Chief has full control over departmental activities. In the absence of the Police Chief, the Lieutenant shall take command and notify the Chief of all major decisions that he or she may make. If neither the Chief or the Lieutenant are available, the senior Sergeant shall take command until a ranking officer is available, and shall make any necessary reports to the Chief.
2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.

C. Span of control

Plans for any event utilizing departmental personnel will clearly delineate the command structure and outline the span of control.

D. Authority and responsibility

1. At each rank within the department, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities. The department is committed to fostering an organizational climate that rewards employees for initiative, innovation, community involvement, and problem solving.
2. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee with questions concerning his or her delegated authority shall refer the matter to the on-duty supervisor or the Chief of Police for prompt resolution.
3. Supervisors are held accountable for the condition and preparedness of the personnel assigned to them.
4. Supervisors are responsible for the good order and sanitary condition of department offices, vehicles, and equipment.
5. Supervisors are responsible for the efficiency, discipline, and morale of employees under their charge. Supervisors shall investigate or cause to be investigated all allegations of employee misconduct.
6. Supervisors shall ensure that employees have been supplied with all appropriate written orders and shall instruct them thoroughly on all oral and written orders. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.



**E. Authority of the Chief of the Department (TBP: 1.07)**

1. As the chief executive of the department, the Chief of Police has full authority and responsibility for the management, direction, and control of the operation and administration of the department.
2. The Chief of Police shall attend the initial Police Training provided by Law Enforcement Management Institute of Texas as required by the Texas Education Code within two years of appointment.
3. The Chief of Police is also the Departmental Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources. (TBP: 8.10)

**F. ORGANIZATIONAL CHART (TBP: 1.01)**

1. The attached chart denotes chain of command and intra-department relationships.

The Organizational chart is reviewed annually and updated as necessary to illustrate the current functioning of the department.

**G. OATH OF OFFICE REQUIRED (TBP: 2.03)**

1. All sworn officers will swear or affirm any oath required by state law or city ordinance before assuming law enforcement duties. All sworn officers shall abide by the Law Enforcement Officer's Code of Ethics. A copy of the law enforcement Code of Ethics is provided to each sworn officer.
2. Such oath shall be made in public and shall be witnessed by Chief of Police who shall witness and record it on the form approved by the department. The oath shall be filed in the officer's personnel file.

**H. AUTHORITY TO CARRY WEAPONS AND USE FORCE (TBP: 6.05)**

1. Sworn officers who are licensed peace officers of the State of Texas are authorized to carry firearms and other weapons as identified in these directives and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.
2. Sworn officers who are off-duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any weapon to be visible to the public unless it is carried in a holster and the officer's badge is displayed adjacent to the weapon.



## **I. OFF-DUTY AUTHORITY**

1. **Liability Protection:** Officers of this agency have liability protection for the on and off-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this department.

2. **Authorized Off-Duty Arrests**

When off duty and within the legal jurisdiction of this law enforcement agency, an officer may make an arrest only when all of the following occur:

- a. There is an immediate need to prevent a crime or apprehend a suspect
- b. The crime would require a full custodial arrest
- c. The arresting officer possesses appropriate police equipment and police identification.

3. **Off-Duty Responsibilities**


While off duty, the police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

4. **Prohibitions of Off-Duty Arrests**

Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of this section are not met or when any of the following circumstances exist:

- a. The officer is personally involved in the incident underlying the arrest.
- b. The officer is engaged in off-duty employment of a non-police nature.
- c. The officer's ability or judgment to use a firearm or take a person into custody has been substantially impaired by use of alcohol, prescription drugs, or other medication by a physical ailment or injury, or;
- d. A uniformed police officer is readily available to deal with the incident

5. Off-duty officers in plain clothes shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training. The department's training authority shall establish protocols for recognition of off-duty officers in plain clothes so as to reduce the potential of misidentification of such personnel during enforcement encounters. Such protocols shall be reviewed periodically during in-service training.

	<b>BEAUMONT ISD POLICE DEPARTMENT</b>	
	<b>Policy 2.1 Rules of Conduct</b>	
	<b>Effective Date:</b> January 2, 2018	<b>Replaces:</b>
	<b>Approved:</b> Chief of Police Joseph Malbrough	
	<b>Reference:</b> TBP 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, and 2.22	

## I. POLICY

The Beaumont ISD Police Department and the Beaumont Independent School District Board of Trustees expect all personnel to maintain high standards of appearance and conduct. The mission of the department is to work with all members of the district and community to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

## II. PURPOSE

To define departmental expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn. (TBP: 2.12)

## III. CODE OF ETHICS (TBP: 2.02)

All officers shall display the integrity required by the Law Enforcement Code of Ethics:

**As a law enforcement officer**, my fundamental duty is to serve the community; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

**I will keep my private life** unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.



**I will never act** officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

**I recognize** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

**I know** that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

**I will** constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . **LAW ENFORCEMENT.**

#### **IV. DEFINITIONS**

- A. *Affirmative Duty*: The personal responsibility and obligation of an employee to report wrongdoing— rather than to provide such information only when requested.
- B. *False Report*: A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another employee.
- C. *Good Faith*: A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.
- D. *Retaliation*: Retaliation of the following kinds is designed to serve as retribution against an employee who, in good faith, has filed a complaint against another employee. In the context of this policy, retaliation includes any deliberate, purposeful actions or failures to act, directed against employees that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another employee's terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of that employee, this department, or both. Such adverse actions may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolating; ostracizing; or acts that malign or disparage an individual's reputation.
- E. *Serious Acts of Misconduct*: Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee.

Such disciplinary action would be reasonably likely to adversely affect that employee's terms or conditions of employment up to and including termination of service.

## **V. GENERAL DUTIES**

- A. All officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and all local ordinances, according to the rules, regulations, and general orders of the department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, and custom. Further, officers shall exhibit good moral character in the administration of their duties according to departmental orders.
- B. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the prerogative to discipline personnel for violations of the rules listed in the "Rules of Conduct", as well as violations of all departmental orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated the consequences of the employee's actions, and the employee's prior history and experience.
- D. Duty to Report
  - 1. All employees of this department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
  - 2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
  - 3. All employees have an affirmative duty under this policy to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.
  - 4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to the next higher ranking employee in the chain of command.



5. In uncommon situations involving highly egregious offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the chief executive officer. Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

#### E. Performance Prohibitions

1. As appropriate, reasonable disciplinary action may be taken for any of the following:
  - a. Incompetent or inefficient performance or dereliction of duty;
  - b. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature which discredits or injures the public. (Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.)
  - c. Mental or physical unfitness for the position which the employee holds.
  - d. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III.A), or a pattern of misconduct as displayed by series of misdemeanor convictions.
  - e. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
  - f. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.
2. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders or policies of the department, or in the laws or ordinances of which the department is responsible to enforce.
3. No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government, or participate in any organization which has a purpose, aim, objective, or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

#### F. Obedience to Rules of Conduct, laws and orders



All employees, regardless of rank or assignment, shall be governed by the following general Rules of Conduct. Violation of any of these rules by any officer of the department shall be considered sufficient cause for dismissal, demotion, suspension, or other reasonable disciplinary action.

1. Obedience to Laws. Employees shall abide by the laws of the United States and the State of Texas as well as the policy of the Beaumont Independent School District Police Department.
2. Adherence to Departmental Rules. Employees shall abide by the rules of , the BISD Personnel Rules, and the Policy and Procedure Manual and other properly issued internal directives of the Police Department.
3. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Officers will be strictly accountable for justifying their actions.
4. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing their orders shall likewise be deemed insubordination. (TBP: 1.08)
5. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.
6. Obedience to Unjust or Improper Orders. If an employee receives an order he believes is unjust or contrary to a departmental General Order or rule, he must first obey the order to the best of his ability and then may appeal the order to the Chief of Police via the proper chain-of-command.
7. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas. If an employee receives an unlawful order, they shall report in writing the full facts of the incident and their actions to the Chief of Police via the chain-of-command.
8. Conflicts of Orders. If an employee receives an order that conflicts with one previously given them by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the department. (TBP: 1.08)

**G. Attention to Duty**

9. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.
10. Duty of Supervisors. Supervisors shall enforce the rules, regulations, and policies of the Beaumont ISD Police Department. They shall not permit, or otherwise fail to prevent, violations of the law, departmental rules, policies or procedures. They shall report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
11. Conduct and Behavior. Employees, whether on-duty or off-duty, shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all time use sound judgment.
12. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of their duties. They shall make every reasonable attempt to respond to the inquiry or request for assistance.
13. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come in to contact with in an official capacity. (TBP: 2.17)
14. Truthfulness. Members shall be truthful in all official verbal and written communications and reports. Employees shall be truthful in any court related testimony or agency investigations. (TBP: 2.14) Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.
15. Officers Always Subject to Duty. Officers shall at all times respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.



- a. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature, or traffic offenses except for breach of the peace, theft, or assault.
  - b. While off-duty, or in their personal vehicle, officers shall not enforce, or take any police action to enforce Class "C" traffic offenses.
16. Officers Required to Take Action. Except where expressly prohibited, Officers are required to take prompt and effective police action conforming to departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person.
17. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP: 2.16, 2.22)
18. Exceptional leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.
19. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
20. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business which would cause them to neglect their duty. This is to include personal business handled via telephone, cell phone, internet or social media.
21. Availability While on-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.
22. Assistance to Fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another

officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.

23. Prompt Response to All Calls. Officers while on-duty shall respond without delay to all calls for police service and all requests for assistance from District staff or administration. Calls shall be answered in compliance with normal safety precautions, traffic laws and departmental policy.
24. Duty to Report All Crimes and Incidents. Employees shall promptly report and formally document all crimes, violations, emergencies, incidents, dangers, hazardous situations and police information that come to their attention. Employees shall not conceal, ignore or distort the facts of such crimes, violations, emergencies, incidents and information.
25. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.
26. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of Beaumont, Texas streets and highways and the names and locations of hospitals and major public buildings. Officers shall know the layout of the grounds and floorplans of all building on the campus or District facility to which they are assigned. They shall also know be familiar with the same for all campus buildings and facilities.
27. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives. Officers shall check their Department email and make necessary responses at least once daily while on duty.
28. Sleeping on-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.
29. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
30. Distractions on-duty. Employees shall not read newspapers, books or magazines while on-duty unless such reading has been assigned by a supervisory officer. Employees shall not make or accept personal phone



calls or text messages on any type of phone or mobile device, or utilize the internet for any unofficial reason while on duty.

31. Studying on-duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to their current job assignments.
32. Maintaining Communications. While officers are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.
33. Reporting Accidents and Injuries. Employees shall immediately report the following accidents and injuries: all on-duty traffic accidents in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving city equipment whether on or off-duty.
34. Report Address and Telephone Number. Employees shall have a working telephone or other means of communication in case of emergency at their residence, and shall register their correct residence address and telephone number with the department on the prescribed form. Any change in address or telephone number must be reported within three working days.
35. Testifying in Departmental Investigations. When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.
36. Carrying of Firearms. Except for senior staff or as approved by the Chief of Police or established procedures, all officers are required to carry sidearms while on-duty. While off-duty, officers may use their own discretion as to whether to carry sidearms.
37. Registration of Firearms. All weapons carried and used by officers in the performance of their official duties must be registered with the department. Required registration information must be kept current.

#### H. Cooperation with Fellow Employees and Agencies

38. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language.

39. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

#### I. Restrictions on Behavior

40. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.
41. Use of Intimidation. Employees shall not use their official positions to intimidate persons.
42. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Chief of Police, employees of the Beaumont ISD Police Department may not accept any reward, gratuity, gift or other compensation for any service performed as a result of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons were on or off-duty. Employees also shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain. (TBP: 2.21)
43. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the police department. (TBP: 2.21)
44. Reporting Bribe Offers. If an officer receives a bribe offer, he shall make a written report to his commanding officer. (TBP: 2.21)
45. Accepting Gifts from Subordinates. Without approval from the Chief of Police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21)
46. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21)



47. Personal Use of Police Power. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
48. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the Beaumont ISD Police Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.
49. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police.
50. Drinking on-duty. Employees shall not drink any intoxicating beverages while on-duty. (TBP: 2.19)
51. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. While off-duty, officers that have consumed an alcoholic beverage to the extent that their mental and physical faculties are impaired shall refrain from exercising any police authority. Officers assigned to special units, or assignments where they may consume alcoholic beverage during the performance of their duties shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19)
52. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform. (TBP: 2.19)
53. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into a Police Department building or vehicle except as evidence. (TBP: 2.19)
54. Entering Bars, Taverns and Liquor Stores. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain or frequent such places. Officers on-duty or in uniform also shall not purchase intoxicating beverages. (TBP: 2.19)

55. Drug Usage. While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision making. (TBP: 2.20)
56. Tobacco Use. Smoking and tobacco use, to include electronic cigarettes, is prohibited in all office and building areas under departmental control and occupied by department employees, except in designated smoking areas. Smoking and other tobacco use is prohibited in all department vehicles to include motorcycles.
57. Public Tobacco use Prohibited. Officers shall not smoke or otherwise use tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with or in view of the public.
58. Playing Games on-duty. Employees on-duty or in uniform shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games, or portable electronic games. Employees shall not use computers or personal mobile devices to play games, including both internally programmed games such as solitaire or Internet based games, or other games or social media or apps on any mobile device unless for official purposes.
59. Political Activity. While in uniform or on-duty, officers are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns. Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on-duty. (TBP: 2.15)
60. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement business, the release of which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.
61. Seeking Personal Preferment. Employees shall not solicit petitions, influence or seek the intervention of any person outside the department for purposes of personal preferment, advantage, transfer, advancement, promotion or change of duty for themselves or for any other person.
62. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city officials or other employees by speech, writing, or other



expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

63. Disruptive Activities. Employees shall not perform any action that tend to disrupt the performance of official duties and obligations of employees of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.
64. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic or obscene language, or making unnecessary sounds are not permitted.
65. Use of Racial Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic or religious slur or joke, whether in the presence of the public or of other employees.
66. Use of Force. Officers shall use only that amount of force reasonably necessary to accomplish their police mission.
67. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.
68. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation.. (TBP: 2.18)
69. Duty to be Kind, Courteous, and Patient. Employees shall at all times be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, or insulting language.
70. Abuse or misuse of Department or District Property. Employees shall not abuse, misuse, or willfully destroy any property belonging to the Department or District. Employees shall not use Department or District property for their own personal gain or monetary benefit. This does not apply to the proper and allowable use of Department equipment in the performance of authorized law enforcement related secondary employment (i.e. issued duty gear or radio).

79. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
80. Care of Quarters. Employees shall keep their offices, lockers and desks neat, clean and orderly.
81. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.
82. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications or substitutions shall be made to such equipment unless approved by the Chief of Police.

#### L. Relationship with Courts and Attorneys


83. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.
84. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.
85. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the Beaumont Independent School District or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.
86. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel or prosecutor.
87. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions.



88. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.
89. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Chief of Police.
90. Arrest of Officer from another Agency. An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. That the person cited or arrested is a law-enforcement officer shall make no difference.
91. Arrest of a Beaumont ISD Police Officer. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

#### M. Expectation of Privacy

92. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the agency chief executive or his or her designee.
93. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

	<b>Beaumont ISD POLICE DEPARTMENT</b>	
	<b>Policy 2.4 Internal Investigation Process</b>	
	<b>Effective Date:</b> January 2, 2018	<b>Replaces:</b> All others
	<b>Approved:</b> Chief of Police Joseph Malbrough	
	<b>Reference:</b> TBP 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, and 2.10.	

## I. POLICY

The department's image and reputation depend on the personal integrity and discipline of all departmental employees. To a large degree, the public image of the department is determined by a professional response to allegations of misconduct against its employees. The department must competently and impartially investigate all allegations of misconduct by employees and complaints bearing on the department's response to community needs. The department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of law enforcement work.

## II. PURPOSE

To describe procedures for making complaints against department personnel, for investigating complaints, and to list and define the dispositions of complaints.

## III. PROCEDURES – GENERAL (TBP: 2.04)

### A. Receipt of complaints

The Beaumont ISD Police Department encourages any person to bring forward grievances regarding misconduct by employees. Department members shall receive all complaints courteously and shall handle them efficiently. All officers are obligated to explain complaint procedures to anyone who inquires.

### B. Responsibilities of supervisors

1. First-line supervisors are primarily responsible for enforcing conformance with departmental standards and orders.



2. First-line supervisors shall know the officers in their charge by closely observing their conduct and appearance.
3. First-line supervisors shall be alert to behavioral changes or problems in their subordinates and, if necessary, document these changes and confer with higher authorities. The first-line supervisor shall assess the behavior, and take or recommend appropriate action.
4. The supervisor shall recommend and, if appropriate, help conduct extra training for officers not performing according to established standards.
5. The first-line supervisor shall employ counseling techniques sanctioned by the department. Counseling is used to adjust and correct minor, infrequent errors or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance.
  - a. The supervisor shall document all instances of counseling.

C. How to make a complaint

A copy of "How to Make A Complaint" will be posted in the public area of the department and may be given to any person requesting information on how to make a complaint.

D. Responsibility for handling complaints

All complaints alleging a violation of the law or policy will be investigated. Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police. Depending on the nature of the complaint, the Chief of Police may request another law enforcement agency to undertake the investigation. (TBP: 2.06)

E. Complaint-handling procedures

1. All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared. A signed letter of complaint will be accepted as a signed complaint without requiring any specific form. Anonymous complaints shall be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall reduce the complaint to writing in a memorandum with as much information as possible and forward the report to the Chief of Police.

2. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the department, who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.

3. Normally, a person with a complaint shall be referred to a supervisor or the Chief of Police who shall assist the individual in recording pertinent information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. The Chief of Police may, if appropriate, conduct a preliminary investigation. The preliminary investigation consists of questioning the officer, complainants, or witnesses, and securing evidence.

Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:

- a. a report of the alleged violation;
- b. any documents and evidence pertinent to the investigation;
- c. recommendations for further investigation or other disposition.

4. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions. Any visible marks or injuries relative to the allegation shall be noted and photographed.

5. Prisoners or arrestees also may make complaints. Circumstances may require a department representative meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.

6. An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.

7. Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to a supervisor or the Chief of Police. The dispatcher or employee shall record the name and telephone number of the complainant and state that the Chief of Police or, if unavailable, the supervisor will call back as soon as practical.

8. The above procedure may also be used when department employees desire to enter a complaint against any other employee governed by this order.

9. In every case, the Chief of Police will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any serious violation should be reported immediately regardless of the time of day. (TBP: 2.07)



F. Disposition of complaints generally

The Chief of Police or his designee shall:

1. Notify the complainant, in writing, as soon as practical, that the department acknowledges receipt of the complaint, that it is under investigation and that the complainant will be advised of the outcome.
2. Enter the complaint into the complaint log, assign a complaint number, and have the complaint investigated. Minor complaints alleging rudeness, minor policy violations and performance issues may be assigned to a supervisor for investigation and resolution. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, or an outside agency as determined by the Chief.
3. Maintain complaint files separate from personnel files.
4. Take disciplinary action following the investigation, if appropriate.

G. Disposition of a serious complaint

1. Allegations of misconduct that might result in discharge, suspension, or demotion, or criminal charges being sought are serious complaints. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
2. If a criminal offense is alleged, two separate investigations shall be conducted, a criminal investigation as well as an administrative or Internal Investigation. The criminal investigation examines compliance with the criminal law while the Internal Investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required.
3. In cases of serious complaints the Chief of Police shall:
  - a. Determine if the officer complained of should remain on-duty, be assigned to non-contact assignments, or put on administrative leave until completion of the investigations.
  - b. Determine and assign responsibility for the investigations.
  - c. Cause the complaint to be registered and assigned an investigation number in the complaint log.

- d. Maintain close liaison with the district attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the city attorney or legal counsel.
4. All investigations will be completed within 30 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If approved by the Chief, a specific number of days will be approved and a copy will be provided to the involved officer and the original placed in the case file. (TBP: 2.05)
5. Upon completion of any investigation, The Chief of Police will notify the complainant in writing, of the results of the investigation and any action taken. (TBP: 2.10)

#### IV. INVESTIGATIVE PROCEDURES

A. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.

B. Assistance of legal counsel

1. Employees are permitted to have an attorney, supervisor, or other representative with them in the room during any interview regarding allegations of misconduct.
2. The employee's representative is limited to acting as an observer at the interview, except that where the interview focuses on, or leads to, evidence of criminality, the attorney may advise and confer with the employee during the interview.

C. All Interviews

1. Prior to being interviewed, the subject employee shall be advised of the nature of the complaint and provided a copy of the complaint.
2. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
3. During interviews conducted by the department, there will be one employee designated as the primary interviewer.
4. The complete interview shall be recorded. The recording will note the time at which breaks are taken in the interview process, who requested the break and the time at which the interview resumed.



5.The employee shall be provided with the name, rank and command of all persons present during the questioning.

D. Interviews for criminal investigative purposes

1.If the Chief of Police believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he or another interviewer shall:

- a. Give the employee the rights as specified in Texas Code of Criminal Procedure Article 38.22.
- b. In addition to the rights set forth in state law, the Chief, or his designee shall advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
- c. If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceeding.

E. Interview for administrative purposes

1.If the Chief of Police wishes to compel an employee to answer questions directly related to his or her official duties, the Chief of Police or another interviewer shall advise the employee that:

- a. You are advised that this is an internal administrative investigation only.
- b. You will be asked and are required to answer all questions specifically related to the performance of your duties and your fitness for office.
- c. All questions specifically related to employment must be fully and truthfully answered.
- d. If you refuse to answer these questions, you can be subject to discipline that can be as much as discharge or removal from office.
- e. I want to reassure you that any answers given are to be used solely for internal administrative purposes and may not be used in any subsequent criminal prosecution should such occur.
- f. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.

2.In an interview for administrative purpose, no Miranda rights are required.

## V. INVESTIGATIVE TOOLS AND RESOURCES

A. In addition to interviews of the employee and witnesses, the Chief of Police may require other activities in support of a complaint investigation or internal investigation, including:

1. Medical and laboratory examination
2. The Chief of Police or Sgt may, based on reasonable suspicion or his observation, require a department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.
  - a. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator shall administer the test. The Chief of Police or officer in authority shall witness the test and sign the report.
3. If the employee has a reading of .02 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.
4. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample shall be handled using the same safeguards as evidence in a criminal process.
5. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.
6. If an employee refuses to submit to a test, (alcohol or drugs) then the Chief of Police or other officer in authority shall immediately relieve the employee from duty (on paid leave) for failure to cooperate in an administrative investigation.
7. Property assigned to the employee but belonging to the department is subject to inspection where the department has a reasonable suspicion that evidence of work-related misconduct may be found therein. Department property includes files, storage lockers, desks, and vehicles.

### B. Photograph and lineup identification procedures

1. Officers may be required to stand in a lineup for viewing for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and may result in dismissal if the criminal prosecution is not anticipated.



A book of photos of department employees may be maintained for the purpose of identification of an employee accused of misconduct.

C. Financial disclosure statements

An employee may be compelled to make financial disclosure statements when directly and narrowly related to allegations of misconduct involving any unlawful financial gain.

D. Polygraph

1. All personnel shall be required to submit to a polygraph if ordered to do so by the Chief of Police.
2. The Police Chief may order employees to take a polygraph when:
  - a. The complainant has taken and passed a polygraph concerning the incident. (Unless the complainant is willing to submit to testing but the polygraph operator determines the complainant is not a fit subject due to mental condition, age, or medication).
  - b. Regardless if the complainant takes a polygraph or is even known, but the complaint is of such a nature to bring severe discredit and suspicion on the department and cannot be satisfactorily resolved in any other manner.
3. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.
4. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the State of Texas or must be a licensed examiner from another law-enforcement agency. No employee shall administer an examination to another employee.
5. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination, or deliberately impede the administration of the polygraph shall be grounds for disciplinary action and may result in dismissal from the department.


## VI. ADJUDICATION OF COMPLAINTS

A. The Chief of Police will classify completed internal affairs investigations as:

1. Unfounded - no truth to allegations.

2. Exonerated - allegations true, but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for policy issues.
  3. Not sustained - unable to verify the truth of the matters under investigation.
  4. Sustained - allegations are true. Complaints will not be classified as sustained unless based on a finding of facts determined during the investigation. (TBP: 2.04)
- B. Completed investigations classified as unfounded, exonerated, not sustained, or policy failure will be maintained in internal affairs files in the Chief's office. Sustained complaints shall be filed in the individual employee's department personnel file with a copy in the internal affairs files.
- C. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the officer's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident and in consideration of the employee's service record and prior sustained complaints.
- D. Disciplinary records (TBP: 2.09)
1. The department shall maintain a log of all complaints.
  2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained in accordance with state law and city policy.
  3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
  4. The Chief shall publish an annual or other periodic summary of complaints that shall be made available to the public.



	<b>BEAUMONT ISD POLICE DEPARTMENT</b>	
	<b>Policy 2.5 Employee Disciplinary Process</b>	
	<b>Effective Date:</b> January 2, 2018	<b>Replaces:</b> All others
	<b>Approved:</b> Chief of Police Joseph Malbrough	
	<b>Reference:</b>	

## I. POLICY

It is the department's policy to impose any necessary disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of employees are protected.

Discipline is a process of taking specific actions which will help train, develop or modify the inappropriate actions of an employee, preferably through positive rather than negative measures. Discipline in the department involves reward of employees for excellence and positive actions; and training, counseling, and in some cases sanctions for inappropriate actions or behavior.

## II. PURPOSE

The purpose of this order is to establish procedures concerning informal and formal disciplinary practices within the department.

## III. DEFINITIONS

### A. Days

The term "days," as used herein, means work days provided, however, that if the last day of any time period mentioned herein is a Saturday, Sunday, or holiday, the time period shall be extended to the next day.

### B. Moral turpitude

An intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.

C. Relief from duty

An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.

D. Discipline

The taking of specific actions intended to help train, develop or modify the actions of an employee. Discipline may be positive (awards and training) or negative (punishment).

#### IV. PROCEDURES

A. Positive discipline

1. Positive discipline seeks voluntary compliance with established policies, procedures, orders. Methods of positive discipline include:

- a. Recognition of excellent job performance through rewards or awards.
- b. When people outside the department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor. When the Chief receives compliments about an employee, he or she should write a thank-you note to the individual. Copies of the person's statement and the Chief's response shall be sent to the officer involved, the supervisor and, a copy of all correspondence shall be placed in the employee's personnel file.
- c. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by community groups or media coverage.

2. Discussion and counseling

3. Training

B. Consistency in discipline



- 1.The department abides by the philosophy that discipline must be applied consistently and uniformly.
- 2.The department provides employees with descriptions of prohibited behavior in the Rules of Conduct Policy and elsewhere in these orders. No list, however, can be all-inclusive. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on training and experience.

C. Relief from duty

- 1.An employee may be relieved from duty whenever a supervisor, whether the Chief of Police, Lieutenant, or Sergeant, questions an employee's physical or psychological fitness for duty. An internal investigation may follow.
- 2.The Lieutenant or Sergeant has authority to relieve an employee from duty, but must promptly report this action to the Chief of Police, accompanied by a written report setting forth details and circumstances.
- 3.If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for internal investigation. In an internal investigation, only the Chief of Police may relieve an employee from duty. Only the Chief of Police, under consultation with the Beaumont ISD Superintendent, may suspend an officer without pay.
- 4.An officer who refuses to obey a direct order in conformance with the department's orders may be relieved from duty by the Lieutenant or Sergeant, who may recommend suspension to the Chief of Police. The Chief, in consultation with the Superintendent, may then suspend without pay.

D. Penalties

The following options are available:

- 1.Documented oral reprimand; counseling; and training
- 2.Written reprimand.
- 3.Demotion or suspension without pay.
- 4.Dismissal from department.

E. Documented oral reprimand; counseling and/or training

1. Oral reprimands resulting from improper actions, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:

- a. At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and that the employee may read the record.
- b. The employee shall be further advised that he or she has the right to file a statement in his or her personnel file setting forth his or her position, in case of disagreement.

2. The reprimanding supervisor shall record the reprimand/counseling in a memorandum to the personnel record containing the following information:

- a. Employee's name;
- b. Date of reprimand/counseling;
- c. Summary of reasons for reprimand/counseling;
- d. Summary of employee's response;
- e. Suggestions for improvement or specific actions suggested;
- f. Name of counselor and signature.
- g. The following statement must appear:

"I acknowledge that I have today received counseling and I have been advised of the following rights: (1) that a written record of reprimand/counseling shall be maintained; (2) that the employee has a right to review the record and respond in writing; (3) that the form shall become part of the personnel file; and (4) that the employee is required to acknowledge the reprimand/counseling by signing the record."

- h. The employee shall sign and date the form following the statement.

3. Oral reprimand/counseling may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the employee correct or modify his or her behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented.



- 4.If the employee's actions did not result in a formal internal investigation and employee has not behaved improperly following counseling for two years, the record of counseling shall be expunged from the employee's personnel file. Accumulation of three oral reprimands in a twelve month period may result in a written reprimand or suspension, depending on circumstances.
- 5.Supervisors are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.
- 6.Supervisors are responsible for counseling employees concerning job-related matters, within their capabilities. Many things can affect the job and an employee's performance, so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.

F. Written reprimand

- 1.A written reprimand, issued by the Chief of Police, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.
- 2.An employee may appeal a written reprimand in writing within ten days of its receipt. The employee may appeal the reprimand to the Beaumont ISD Superintendent who shall be the final arbiter.

G. Demotion or suspension without pay

- 1.If the situation warrants, the Chief of Police, in consultation with the Superintendent, may demote an employee, suspend without pay, or take other measures normally considered equivalent, such as the forfeiture of vacation or compensatory time.
- 2.Suspensions without pay will normally apply to a period of up to 15 days, as determined by the Chief of Police and Beaumont ISD Superintendent.
- 3.If an employee becomes a candidate for suspension a second time within one year after the first suspension, the employee may be dismissed.

4. Suspensions resulting from the arrest or criminal investigation of an employee may be indefinite or result in termination.

- a. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, they shall immediately be placed on administrative leave with pay and an internal investigation shall commence. At the conclusion of the internal investigation the Chief of Police may take appropriate disciplinary action based on the results of the internal investigation, including indefinite suspension or termination.
- b. Terminations may result from other criminal infractions.
- c. If an employee is acquitted of criminal charges, the employee may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.

5. Any member suspended for a period five days or longer shall return all department-owned property. On any suspension, the officer must return to department custody his or her badge, identification card, and issued firearm.

6. During a suspension, the employee shall not undertake any official duties.

7. Demotion shall be to the next lowest rank. Demotion shall only apply to the Lieutenant or Sergeant.

8. An employee may appeal a suspension within five days of notice. An employee may appeal a suspension through the Chief of Police to the Superintendent, whose decision is final.

#### H. Termination

1. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.

2. Employees may appeal a dismissal within five days of receipt of notice, and may appeal in accordance with the procedure outlined under Policy 4.7

#### I. Reporting arrests

Any employee arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings, must so inform the Chief of Police in writing as soon as possible. Employees do not have to report parking



tickets. Employees must report summonses or arrests for reckless driving, DWI, or any other hazardous or moving traffic offenses. Failure to notify the department of the foregoing shall be cause for dismissal.

#### **V. PROGRESSIVE DISCIPLINE**

- A. Except for gross breaches of discipline, moral turpitude, or serious violations of law or conduct, the department generally follows the principles of progressive discipline.
- B. Probationary employees shall be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that a probationary employee has no right of appeal. In the case of a dismissed probationary employee, the official record shall merely indicate that the person was dismissed during probationary employment.

#### **VI. ADMINISTRATION OF SUSPENSIONS, DEMOTIONS, OR DISMISSALS**

- A. After an appropriate investigation, should the Chief of Police sustain the allegation and determine that the discipline may be a suspension, demotion, or termination; the Chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.
- B. Upon receipt of the recommendations, if the Chief of Police believes the discipline should be greater than a Written Reprimand, the Chief shall request the officer read the written investigation summary and initial each page. The review will take place in the presence of the investigating officer or other staff member. The employee will be allowed to add a written statement to the investigative package stating any arguments with the evidence or investigation process. This statement will be prepared and added before leaving the review site.
- C. The Chief of Police will meet with the employee and allow the employee to make any statement regarding the evidence or investigation, and review any written statement provided by the employee. The Chief of Police will then have the employee report back after a period determined by the Chief.
- D. The Chief of Police will again review the investigation, considering the employee's input and may then decide on the discipline or send the investigation back for further investigation.
- E. The Chief will meet with the employee to inform him or her of his decision. The Chief will present the employee with a letter outlining the discipline, the effective date of the discipline, the reason for the discipline and the employee's appeal rights.
- F. Copies of all investigations resulting in disciplinary action and all disciplinary paperwork will be filed in the employees personnel file. A copy of the investigation will be maintained in the internal investigations files.

